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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Bianchi et al.  Application of Serial No. 10/699,175  Filed October 31, 2003  OPEN INTERVERTEBRAL SPACER	)	Before the Examiner: Suzette J. Gherbi Group Art Unit 3738 Ref. No. MSDI-434
	)	

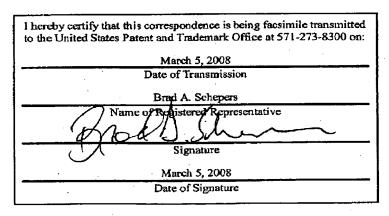
Via Facsimile Transmission: 571-273-8300

## RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 5, 2007, please consider the following remarks. The Applicant notes that the finality of the previous Office Action has been withdraw via a Decision dated February 1, 2008, a copy of which is enclosed herewith. Specifically, the Decision states that "the Nov. 5, 2007 final office action is premature and thus the finality of the action is hereby withdrawn." A fee in the amount of \$120.00 is remitted herewith for a one (1) month extension of time, thereby extending the time period to respond to the non-final Office Action to March 5, 2008. Please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.



Response to Non-final Office Action Application Serial No. 10/699,175

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